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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Debra Morales Ruiz, et al.,

Plaintiff,

vs.

Maricopa County of, et al.,

Defendants.

NO. CV-23-02482-PHX-SRB (DMF)

**DEFENDANTS' ANSWER TO SECOND
AMENDED COMPLAINT AND
DEMAND FOR JURY TRIAL**

Defendants Struble, Crutchfield, Dimas, Hawkins, Hertig, Martin, Montano, Moody, Park, Smith, Chester, Rainey, Marsland, Magat, Dailey, Skinner, and Penzone (“Defendants”) answer Plaintiffs’ Second Amended Complaint (“SAC”) by denying every allegation therein except as otherwise admitted or qualified as follows¹:

INTRODUCTION

1. Defendants deny the allegations in Paragraph 1 for lack of sufficient information.

¹ On August 14, 2025, the Court dismissed Count I as to Defendant Crutchfield, Count II as against Defendant Maricopa County, and Counts III and IV in whole. As such, Maricopa County has been fully dismissed from this action. Doc. 49.

1 2. Defendants admit that Alexander Chavez was booked into the Lower Buckeye Jail.
2 Defendants deny any remaining allegations in Paragraph 2 for lack of sufficient
3 information.

4 3. Paragraph 3 is not directed toward Defendants and therefore no answer is required.
5 To the extent an answer may be required, Defendants deny the same for lack of sufficient
6 information.

7 4. Paragraph 4 is not directed toward Defendants and therefore no answer is required.
8 To the extent an answer may be required, Defendants deny the same for lack of sufficient
9 information.
10

11 5. Paragraph 5 is admitted.

12 6. As to Paragraph 6, Defendants admit Mr. Chavez was booked into Maricopa
13 County Jails on August 5, 2022. Defendants further admit that he was later transported
14 to the hospital on August 8, 2022. Defendants deny the remaining allegations contained
15 in Paragraph 6.
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17 7. Defendants admit that Mr. Chavez died on August 12, 2022. Defendants deny any
18 remaining allegations contained in Paragraph 7.

19 **THE PARTIES**

20 8. Defendants incorporate their answers to Paragraphs 1-7 above as though fully set
21 forth herein.

22 9. As to Paragraph 8, Defendants lack sufficient knowledge or information to form a
23 belief as to the truth of the allegation and, therefore, denies the same.
24

25 10. As to Paragraph 9, Defendants lack sufficient knowledge or information to form a
26 belief as to the truth of the allegation and, therefore, denies the same.

27 11. As to Paragraph 10, Defendants lack sufficient knowledge or information to form
28 a belief as to the truth of the allegation and, therefore, denies the same.

1 12. As to Paragraph 11, Maricopa County is no longer a defendant in this matter. As
2 such, no answer to Paragraph 11 is required.²

3 13. As to Paragraph 12, Defendants deny that CHS is a defendant and deny that CHS
4 is a governmental entity. Defendants admit that Crutchfield and Struble are defendants
5 and employed with CHS.
6

7 14. As to Paragraph 13, Defendants deny that then-Captain Brandon Smith was a
8 captain of MCSO's "Detention Division". Defendants deny that he was, at all times
9 relevant to the SAC, tasked with the oversight of MCSO "detention centers." Defendants
10 further deny that he was, at all times relevant to the SAC, responsible for all policies and
11 procedures promulgated by MCSO.

12 15. As to Paragraph 14, Defendants deny that former Sheriff Paul Penzone is sued in
13 his official capacity. On April 10, 2025, Gerard Sheridan was substituted for Russell
14 Skinner in his official capacity. (Doc. 48). Defendants admit that former Sheriff Penzone
15 was, at times relevant to the SAC, the Sheriff of Maricopa County. Defendants admit he
16 had the responsibilities and duties bestowed upon him by Arizona Revised Statute § 11-
17 441, *et seq.* Defendants admit Sheriff Penzone remains in the lawsuit in his individual
18 capacity.
19

20 16. As to Paragraph 15, Defendants admit that then-Sheriff Penzone was operating as
21 Maricopa County Sheriff at all times relevant to the SAC.

22 17. As to Paragraph 16, Defendants admit that Defendant Moody is employed with
23 the Maricopa County Sheriff's Office and was operating in such capacity at all times
24 relevant to the SAC.
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² See Doc. 49.

1 18. As to Paragraph 17, Defendants admit that Defendant Dimas is employed with the
2 Maricopa County Sheriff's Office and was operating in such capacity at all times relevant
3 to the SAC.

4 19. As to Paragraph 18, Defendants admit that Defendant Park is employed with the
5 Maricopa County Sheriff's Office and was operating in such capacity at all times relevant
6 to the SAC.

7 20. As to Paragraph 19, Defendants admit that Defendant Magat was employed with
8 the Maricopa County Sheriff's Office and was operating in such capacity at all times
9 relevant to the SAC.

10 21. As to Paragraph 20, Defendants admit that Defendant Hawkins is employed with
11 the Maricopa County Sheriff's Office and was operating in such capacity at all times
12 relevant to the SAC.

13 22. As to Paragraph 21, Defendants admit that Defendant Dailey is employed with the
14 Maricopa County Sheriff's Office and was operating in such capacity at all times relevant
15 to the SAC.

16 23. As to Paragraph 22, Defendants admit that Defendant Martin is employed with the
17 Maricopa County Sheriff's Office and was operating in such capacity at all times relevant
18 to the SAC.

19 24. As to Paragraph 23, Defendants admit that Defendant Hertig is employed with the
20 Maricopa County Sheriff's Office and was operating in such capacity at all times relevant
21 to the SAC.

22 25. As to Paragraph 24, Defendants admit that Defendant Chester is employed with
23 the Maricopa County Sheriff's Office and was operating in such capacity at all times
24 relevant to the SAC.

1 26. As to Paragraph 25, Defendants admit that Defendant Rainey is employed with the
2 Maricopa County Sheriff's Office and was operating in such capacity at all times relevant
3 to the SAC.

4 27. As to Paragraph 26, Defendants admit that Defendant Marsland is employed with
5 the Maricopa County Sheriff's Office and was operating in such capacity at all times
6 relevant to the SAC.

7 28. As to Paragraph 27, Defendants admit that Defendant Crutchfield was employed
8 with Correctional Health Services as the Medical Director and was operating in such
9 capacity at all times relevant to the SAC.

10 29. As to Paragraph 28, Defendants admit that Defendant Struble is employed with
11 Correctional Health Services as the Director of CHS and was operating in such capacity
12 at all times relevant to the SAC.

13 30. As to Paragraph 29, Defendants are without sufficient information to admit or deny
14 the allegations and therefore deny the same.

15 31. As to Paragraph 30, Maricopa County is no longer a Defendant in this action. As
16 such, no response to Paragraph 30 is required.³

17 32. As to Paragraph 31, Defendants are without sufficient information to admit or deny
18 the allegations and therefore deny the same.

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21
22 **JURISDICTION AND VENUE**

23 33. Defendants incorporate their answers to Paragraphs 1-32 above as though fully set
24 forth herein.

25 34. As to Paragraph 32, Defendants admit jurisdiction is proper. Defendnats deny
26 violations of any applicable laws.

27
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³ See Doc. 49.

1 35. Paragraph 33 is admitted.

2 36. As to Paragraph 34, Defendants lack sufficient information to either admit or deny
3 the allegations and therefore deny the same.

4 37. As to Paragraph 35, Defendants admit jurisdiction is proper.

5 38. As to Paragraph 36, Defendants admit venue is proper.

6
7 **FACTUAL ALLEGATIONS**

8 39. Defendants incorporate their answers to Paragraphs 1-38 above as though fully set
9 forth herein.

10 40. As to Paragraph 37, Defendants deny that Chavez was classified with a sub-
11 classification of “Psychiatric” during the intake process.

12 41. As to Paragraph 38, Defendants admit that Defendants Rainey conducted the intake
13 interview with Chavez while Defendant Marsland conducted the intake document review
14 for classification purposes. Defendants deny any remaining allegations contained in
15 Paragraph 38.

16 42. As to Paragraph 39, Defendants admit Chavez was classified for housing in general
17 population. Defendants deny the addition of a “sub-classification” at the time of his
18 intake interview and classification.

19 43. Defendants deny the allegations contained in Paragraph 40 of the SAC.

20
21 **FIRST SUICIDE ATTEMPT**

22 44. Defendants incorporate their answers to Paragraphs 1-43 above as though fully set
23 forth herein.

24 45. As to Paragraph 41, Defendants admit Chavez was found to have ingested
25 Fentanyl pills and that approximately 250 Fentanyl pills were found on his person.

1 Defendants are without sufficient information to admit or deny any remaining allegations
2 and therefore deny the same.

3 46. As to Paragraph 42, Defendants are without sufficient information to admit or deny
4 the allegations and therefore deny the same.

5 47. As to Paragraph 43, Defendants are without sufficient information to admit or deny
6 the allegations and therefore deny the same.

7 48. As to Paragraph 44, Defendants are without sufficient information to admit or deny
8 the allegations and therefore deny the same.

9 49. As to Paragraph 45, Defendants are without sufficient information to admit or deny
10 the allegations and therefore deny the same.

11 50. Paragraph 46 is not directed toward Defendants and therefore no answer is
12 required. To the extent an answer may be required, Defendants deny the same for lack
13 of sufficient information.

14 51. As to Paragraph 47, Defendants are without sufficient information to admit or deny
15 the allegations and therefore deny the same.

16 52. As to Paragraph 48, Defendants are without sufficient information to admit or deny
17 the allegations and therefore deny the same.

18 53. As to Paragraph 49, Defendants are without sufficient information to admit or deny
19 the allegations and therefore deny the same.

20 54. As to Paragraph 50, Defendants are without sufficient information to admit or deny
21 the allegations and therefore deny the same.

22 55. As to Paragraph 51, Defendants are without sufficient information to admit or deny
23 the allegations and therefore deny the same.

1 56. As to Paragraph 52, Defendants are without sufficient information to admit or deny
2 the allegations and therefore deny the same.

3 57. As to Paragraph 53, Defendants admit that all inmates receive a suicide prevention
4 awareness flyer during the intake and/or classification process.

5 58. As to Paragraph 54, Defendants are without sufficient information to admit or deny
6 any remaining allegations and therefore deny the same.

7 59. As to Paragraph 55, Defendants are without sufficient information to admit or deny
8 any remaining allegations and therefore deny the same.

9 60. As to Paragraph 56, Defendants are without sufficient information to admit or deny
10 the allegations and therefore deny the same.

11 61. As to Paragraph 57, Defendants are without sufficient information to admit or deny
12 the allegations and therefore deny the same.

13 62. As to Paragraph 58, Defendants admit that Defendant Marsland reviewed Chavez's
14 classification documentation for purposes of completing the classification process.
15 Defendants are without sufficient information to admit or deny any remaining allegations
16 and therefore deny the same.

17 63. Defendants deny the allegations contained in Paragraph 59.

18 64. Defendants deny the allegations contained in Paragraph 60.

19 65. Defendants deny the allegations contained in Paragraph 61.

20 66. Defendants deny the allegations contained in Paragraph 62.

21 67. As to Paragraph 63, Defendants are without sufficient information to admit or deny
22 the allegations and therefore deny the same.

23 68. Defendants deny the allegations contained in Paragraph 64.

1 69. Defendants deny the allegations contained in Paragraph 65.

2 70. Defendants deny the allegations contained in Paragraph 66.

3 71. Defendants deny the allegations contained in Paragraph 67.

4 72. Defendants deny the allegations contained in Paragraph 68.

5 73. Defendants deny the allegations contained in Paragraph 69.

6 74. Defendants deny the allegations contained in Paragraph 70.

7 75. Defendants deny the allegations contained in Paragraph 71.

8 76. Defendants deny the allegations contained in Paragraph 72.

9 77. Defendants deny the allegations contained in Paragraph 73.

10 78. As to Paragraph 74, Defendants are without sufficient information to admit or deny
11 the allegations and therefore deny the same.

12 79. As to Paragraph 75, Defendants are without sufficient information to admit or deny
13 the allegations and therefore deny the same.

14 80. As to Paragraph 76, Defendants are without sufficient information to admit or deny
15 the allegations and therefore deny the same.

16 81. As to Paragraph 77, Defendants are without sufficient information to admit or deny
17 the allegations and therefore deny the same.

18 82. As to Paragraph 78, Defendants are without sufficient information to admit or deny
19 the allegations and therefore deny the same.

20 83. As to Paragraph 79, Defendants are without sufficient information to admit or deny
21 the allegations and therefore deny the same.

22 84. As to Paragraph 80, Defendants are without sufficient information to admit or deny
23 the allegations and therefore deny the same.

1 85. As to Paragraph 81, Defendants are without sufficient information to admit or deny
2 the allegations and therefore deny the same.

3 86. As to Paragraph 82, Defendants are without sufficient information to admit or deny
4 the allegations and therefore deny the same.

5 87. As to Paragraph 83, Defendants are without sufficient information to admit or deny
6 the allegations and therefore deny the same.

7 88. Defendants deny the allegations contained in Paragraph 84.

8 89. As to Paragraph 85, Defendants are without sufficient information to admit or deny
9 the allegations and therefore deny the same.

10 90. As to Paragraph 86, Defendants are without sufficient information to admit or deny
11 the allegations and therefore deny the same.

12 91. As to Paragraph 87, Defendants are without sufficient information to admit or deny
13 the allegations and therefore deny the same.

14 **SECOND SUICIDE ATTEMPT AND SUBSEQUENT DEATH**

15 92. Defendants incorporate their answers to Paragraphs 1-91 above as though fully set
16 forth herein.

17 93. As to Paragraph 88, Defendants are without sufficient information to admit or deny
18 the allegations and therefore deny the same.

19 94. Paragraph 89 contains no allegations. To the extent an answer may be required,
20 Defendants deny the same for lack of sufficient information.

21 95. Defendants deny the motive asserted in Paragraph 90. Defendants are without
22 sufficient information to admit or deny any remaining allegations and therefore deny the
23 same.

24 96. Defendants deny the allegations contained in Paragraph 91.

1 97. As to Paragraph 92, Defendants are without sufficient information to admit or deny
2 the allegations and therefore deny the same.

3 98. As to Paragraph 93, Defendants are without sufficient information to admit or deny
4 the allegations and therefore deny the same.

5 99. As to Paragraph 94, Defendants are without sufficient information to admit or deny
6 the allegations and therefore deny the same.

7 100. Defendants admit Chavez died on August 12, 2022.

8
9 **FAILURE TO ASSESS, CLASSIFY, AND MONITOR**

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11 101. Defendants incorporate their answers to Paragraphs 1-100 above as though fully
12 set forth herein.

13 102. Defendants deny the allegations contained in Paragraph 96.

14 103. Defendants deny the allegations contained in Paragraph 97.

15 104. As to Paragraph 98, Defendants admit that Sheriff Sheridan is charged with the
16 duties and responsibilities as required under A.R.S. § 11-441, et seq. Defendants are
17 without sufficient information to admit or deny any remaining allegations and therefore
18 deny the same.

19
20 105. As to Paragraph 99, Defendants are without sufficient information to admit or deny
21 the allegations and therefore deny the same.

22 106. Defendants deny the allegations contained in Paragraph 100.

23 107. Defendants deny the allegations contained in Paragraph 101.

24 108. Defendants deny the allegations contained in Paragraph 102.

25 109. As to Paragraph 103, Defendants are without sufficient information to admit or
26 deny the allegations and therefore deny the same.
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1 110. Defendants deny the allegations contained in Paragraph 104.

2 111. As to Paragraph 105, Defendants are without sufficient information to admit or
3 deny the allegations and therefore deny the same.

4 112. As to Paragraph 106, Defendants are without sufficient information to admit or
5 deny the allegations and therefore deny the same.

6 113. Defendants deny the allegations contained in Paragraph 107.

7 114. Defendants deny the allegations contained in Paragraph 108.

8 115. As to Paragraph 109, Defendants are without sufficient information to admit or
9 deny the allegations and therefore deny the same.

10 116. As to Paragraph 110, Defendants are without sufficient information to admit or
11 deny the allegations and therefore deny the same.

12 117. As to Paragraph 111, Defendants are without sufficient information to admit or
13 deny the allegations and therefore deny the same.

14 118. As to Paragraph 112, Defendants are without sufficient information to admit or
15 deny the allegations and therefore deny the same.

16 119. As to Paragraph 113, Defendants are without sufficient information to admit or
17 deny the allegations and therefore deny the same.

18 120. Defendants deny the allegations contained in Paragraph 114.

19 121. As to Paragraph 115, Defendants are without sufficient information to admit or
20 deny the allegations and therefore deny the same.

21 122. As to Paragraph 116, Defendants are without sufficient information to admit or
22 deny the allegations and therefore deny the same.

1 123. As to Paragraph 117, Defendants are without sufficient information to admit or
2 deny the allegations and therefore deny the same.

3 124. As to Paragraph 118, Defendants are without sufficient information to admit or
4 deny the allegations and therefore deny the same.

5 125. As to Paragraph 119, Defendants are without sufficient information to admit or
6 deny the allegations and therefore deny the same.

7 126. As to Paragraph 120, Defendants are without sufficient information to admit or
8 deny the allegations and therefore deny the same.

9 127. Defendants deny the allegations contained in Paragraph 121.

10 128. Defendants deny the allegations contained in Paragraph 122.

11 129. Defendants deny the allegations contained in Paragraph 123.

12 130. As to Paragraph 124, Defendants are without sufficient information to admit or
13 deny the allegations and therefore deny the same.

14 131. As to Paragraph 125, Defendants are without sufficient information to admit or
15 deny the allegations and therefore deny the same.

16 132. As to Paragraph 126, Defendants are without sufficient information to admit or
17 deny the allegations and therefore deny the same.

18 133. Defendants admit proper headcounts were performed.

19 134. Defendants deny the allegations contained in Paragraph 128.

20 135. As to Paragraph 129, Defendants are without sufficient information to admit or
21 deny the allegations and therefore deny the same.

22 136. As to Paragraph 130, Defendants are without sufficient information to admit or
23 deny the allegations and therefore deny the same.

1 137. As to Paragraph 131, Defendants are without sufficient information to admit or
2 deny the allegations and therefore deny the same.

3 138. As to Paragraph 132, Defendants are without sufficient information to admit or
4 deny the allegations and therefore deny the same.

5 139. Defendants deny the allegations contained in Paragraph 133.

6 140. As to Paragraph 134, Defendants admit that records exist indicating that security
7 walks were conducted. Defendants are without sufficient information to admit or deny
8 any remaining allegations and therefore deny the same.

9 141. As to Paragraph 135, Defendants admit that on specific documents the entry for
10 1800 is blank.

11 142. Defendants deny the allegations contained in Paragraph 136.

12 143. As to Paragraph 137, Defendants are without sufficient information to admit or
13 deny the allegations and therefore deny the same.

14 144. Defendants deny the allegations contained in Paragraph 138.

15 145. As to Paragraph 139, Defendants admit that MCSO records exist documenting
16 various activities, including security walks and observations. Defendants are without
17 sufficient information to admit or deny any remaining allegations and therefore deny the
18 same.

19 146. Defendants deny the allegations contained in Paragraph 140.

20 147. As to Paragraph 141, Defendants are without sufficient information to admit or
21 deny the allegations and therefore deny the same.

22 148. As to Paragraph 142, Defendants are without sufficient information to admit or
23 deny the allegations and therefore deny the same.

1 149. As to Paragraph 143, Defendants are without sufficient information to admit or
2 deny the allegations and therefore deny the same.

3 150. As to Paragraph 144, Defendants are without sufficient information to admit or
4 deny the allegations and therefore deny the same.

5 151. Paragraph 145 is not directed toward Defendants and therefore no answer is
6 required. To the extent an answer may be required, Defendants deny the same for lack
7 of sufficient information.
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9 152. As to Paragraph 146, Defendants are without sufficient information to admit or
10 deny the allegations and therefore deny the same.

11 153. Paragraph 147 contains no allegations. To the extent an answer may be required,
12 Defendants deny the same for lack of sufficient information.
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14 154. Paragraph 148 contains no allegations. To the extent an answer may be required,
15 Defendants deny the same for lack of sufficient information.

16 155. Paragraph 149 contains no allegations. To the extent an answer may be required,
17 Defendants deny the same for lack of sufficient information.
18

19 156. As to Paragraph 150, Defendants are without sufficient information to admit or
20 deny the allegations and therefore deny the same.

21 157. As to Paragraph 151, Defendants are without sufficient information to admit or
22 deny the allegations and therefore deny the same.

23 158. Defendants deny the allegations contained in Paragraph 152.
24

25 159. Paragraph 153 contains no allegations. To the extent an answer may be required,
26 Defendants deny the same for lack of sufficient information.

27 160. Defendants deny the allegations contained in Paragraph 154.
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161. Defendants deny the allegations contained in Paragraph 155.

1 162. As to Paragraph 156, Defendants admit that Sheriff Sheridan has the
2 responsibilities and duties imposed upon him by A.R.S. § 11-441, et seq. Defendants are
3 without sufficient information to admit or deny the allegations and therefore deny the
4 same. To the extent there are allegations related to training, hiring or supervision
5 construed within Paragraph 156, such claims were dismissed from this action and no
6 response is required.⁴

7 163. Defendants deny the allegations contained in Paragraph 157.
8

9 164. Defendants deny the allegations contained in Paragraph 158.

10 165. Defendants deny the allegations contained in Paragraph 159.

11 166. Defendants deny the allegations contained in Paragraph 160.
12

13 167. Defendants deny the allegations contained in Paragraph 161.

14 168. As to Paragraph 162, Defendants are without sufficient information to admit or
15 deny the allegations and therefore deny the same.

16 169. As to Paragraph 163, Defendants are without sufficient information to admit or
17 deny the allegations and therefore deny the same.
18

19 170. As to Paragraph 164, Defendants are without sufficient information to admit or
20 deny the allegations and therefore deny the same.

21 171. As to Paragraph 165, Defendants are without sufficient information to admit or
22 deny the allegations and therefore deny the same.
23

24 172. As to Paragraph 166, Defendants admit all inmates are provided with a Suicide
25 Prevention/Awareness pamphlet. Defendants deny Chavez was re-classified from
26 psychiatric to general population or that he was “thrown out” to deal with his withdrawal
27 symptoms with no help.

28

⁴ See Doc. 49.

1 173. As to Paragraph 167, Defendants deny their actions violated any constitutional
2 rights, federal or state.

3 **MARICOPA AND MCSO HAVE AN ASTONISHINGLY HIGH DEATH RATE**

4
5 174. Defendants incorporate their answers to Paragraphs 1-167 above as though fully
6 set forth herein.

7 175. As to Paragraph 168, Defendants are without sufficient information to admit or
8 deny the allegations and therefore deny the same.

9 176. As to Paragraph 169, Defendants are without sufficient information to admit or
10 deny the allegations and therefore deny the same.

11
12 177. As to Paragraph 170, Defendants are without sufficient information to admit or
13 deny the allegations and therefore deny the same.

14 178. As to Paragraph 171, Defendants are without sufficient information to admit or
15 deny the allegations and therefore deny the same.

16 179. As to Paragraph 172, Defendants are without sufficient information to admit or
17 deny the allegations and therefore deny the same.

18
19 180. As to Paragraph 173, Defendants are without sufficient information to admit or
20 deny the allegations and therefore deny the same.

21 181. As to Paragraph 174, Defendants are without sufficient information to admit or
22 deny the allegations and therefore deny the same.

23 182. As to Paragraph 175, Defendants are without sufficient information to admit or
24 deny the allegations and therefore deny the same.

25
26 183. As to Paragraph 176, Defendants are without sufficient information to admit or
27 deny the allegations and therefore deny the same.

184. As to Paragraph 177, Defendants are without sufficient information to admit or deny the allegations and therefore deny the same.

185. As to Paragraph 178, Defendants are without sufficient information to admit or deny the allegations and therefore deny the same.

186. As to Paragraph 179, Defendants are without sufficient information to admit or deny the allegations and therefore deny the same.

187. As to Paragraph 180, Defendants are without sufficient information to admit or deny the allegations and therefore deny the same.

188. As to Paragraph 181, Defendants are without sufficient information to admit or deny the allegations and therefore deny the same.

189. As to Paragraph 182, Defendants are without sufficient information to admit or deny the allegations and therefore deny the same.

190. As to Paragraph 183, Defendants are without sufficient information to admit or deny the allegations and therefore deny the same.

COUNT I

Violation of Civil Rights Under the Fourteenth Amendment and 42 U.S.C. § 1983

*(Against Struble, Moody, Dimas, Park, Magat, Hawkins, Montano, Dailey, Martin, Hertig, Chester, Espinosa, Rainey, and Marsland)*⁵

191. Defendants incorporate their answers to Paragraphs 1-183 above as though fully set forth herein.

192. Paragraph 184 contains no allegations. To the extent any allegations are construed, Defendants deny the same.

⁵⁵ Both Maricopa County and Defendant Crutchfield were dismissed from this Count. *See* Doc. 49.

1 193. As to Paragraph 185, Defendants admit the Fourteenth Amendment of the United
2 States Constitution applies to Plaintiff's SAC. To the extent there are allegations of
3 wrongdoing construed in Paragraph 185, Defendants deny the same.

4 194. Defendants admit the allegations contained in Paragraph 186.

5 195. As to Paragraph 187, Defendants are without sufficient information to admit or
6 deny the allegations and therefore deny the same.

7 196. As to Paragraph 188, Defendants are without sufficient information to admit or
8 deny the allegations and therefore deny the same.

9 197. As to Paragraph 189, Defendants are without sufficient information to admit or
10 deny the allegations and therefore deny the same.

11 198. As to Paragraph 190, Defendants are without sufficient information to admit or
12 deny the allegations and therefore deny the same.

13 199. As to Paragraph 191, Defendants are without sufficient information to admit or
14 deny the allegations and therefore deny the same.

15 200. Defendants deny the allegations contained in Paragraph 192.

16 201. Defendants deny the allegations contained in Paragraph 193.

17 202. Defendants deny the allegations contained in Paragraph 194.

18 203. Defendants deny the allegations contained in Paragraph 195.

19 204. Defendants deny the allegations contained in Paragraph 196.

20 205. Defendants deny the allegations contained in Paragraph 197.

21 **COUNT II**

22 **Negligence and Gross Negligence**

23 206. Defendants incorporate their answers to Paragraphs 1-197 above as though fully
24 set forth herein.
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1 207. Paragraph 198 contains no allegations. To the extent any allegations are construed,
2 Defendants deny the same.

3 208. As to Paragraph 199, Defendants are without sufficient information to admit or
4 deny the allegations and therefore deny the same.

5 209. As to Paragraph 200, Defendants are without sufficient information to admit or
6 deny the allegations and therefore deny the same.

7 210. As to Paragraph 201, Maricopa County is not a defendant in this matter. Therefore,
8 no answer is required.

9
10 211. Defendants deny the allegations contained in Paragraph 202.

11
12 212. Defendants deny the allegations contained in Paragraph 203.

13 213. Defendants deny the allegations contained in Paragraph 204.

14 214. Defendants deny the allegations contained in Paragraph 205.

15 215. Defendants deny the allegations contained in Paragraph 206.

16 216. Defendants deny the allegations contained in Paragraph 207.

17 217. Defendants deny the allegations contained in Paragraph 208.

18 218. Defendants deny the allegations contained in Paragraph 209.

19
20 219. As to Paragraph 210, Maricopa County is not a defendant to this action, therefore
21 no response is required.

22
23 220. Defendants deny the allegations contained in Paragraph 211.

24 221. Defendants deny the allegations contained in Paragraph 212.

25 222. Defendants deny the allegations contained in Paragraph 213.

26 223. Defendants deny the allegations contained in Paragraph 214.

1 224. As to Paragraph 215, Defendants deny that Skinner is now Sheriff. Defendants are
2 without sufficient information to admit or deny any remaining allegations and therefore
3 deny the same.

4 225. Defendants deny the allegations contained in Paragraph 216.

5 226. Defendants deny the allegations contained in Paragraph 217.

6
7 **DEMAND FOR JURY TRIAL**

8 Pursuant to Rule 38, of the Federal Rules of Civil Procedure, Defendants demand
9 a jury trial on all issues so triable.

10 **DEFENSES AND AFFIRMATIVE DEFENSES**

11 Having fully answered Plaintiff's SAC, Defendants assert the following affirmative
12 defenses:

13 A. Plaintiffs' SAC fails to state a claim upon which relief can be granted.
14 B. Defendants assert that the Plaintiff has failed to mitigate his Damages.
15 C. Defendants did not have a duty to provide housing completely void of
16 opportunities for an inmate to commit suicide. *See e.g. Maricopa County v. Cowart*, 106
17 Ariz. 69 (1970).

18 D. Plaintiffs' claims are subject to the limitations contained in any and all
19 federal and/or state laws which may govern this action.

20 E. Plaintiffs cannot demonstrate that any deprivation of constitutional rights
21 occurred because of any deliberate acts or omissions on the part of Defendants, and, thus,
22 Plaintiffs cannot demonstrate that any deliberate acts or omissions on the part of
23 Defendants establish liability on the part of Defendants. Further, Plaintiffs cannot
24 establish that any deliberate acts or omissions on the part of Defendants proximately
25 caused their alleged damages.

26 F. Plaintiffs' and/or Alexander Chavez's damages and/or injuries, if any,
27 which Defendants deny, were caused in whole or in part by Plaintiffs' and/or Alexander
28

1 Chavez's comparative/contributory negligence, thereby reducing or barring any recovery
2 pursuant to A.R.S. §§ 12-2505, 2506.

3 G. Neither Defendant Sheridan nor Defendant Penzone is responsible for
4 providing, managing, or supervising healthcare services of inmates under Arizona law.
5 Ariz.Rev.Stat. § 11-441(A)(5); Ariz. Rev.Stat. § 31-101.

6 H. Defendants owed no legal duty to Plaintiffs or Decedent regarding the
7 circumstances complained of in the SAC.

8 I. Defendants did not breach duty owed Plaintiffs or Decedent regarding the
9 circumstances complained of in the SAC.

10 J. Any alleged injuries and/or alleged damages to Plaintiffs or Decedent were
11 not proximately caused by any wrongful act or omission of Defendants.

12 K. Plaintiffs cannot establish that Defendants are the proximate cause of
13 Plaintiffs' damages.

14 L. Plaintiffs failed to mitigate their damages.

15 M. Defendants' actions were not negligent, grossly negligent, reckless,
16 intentional, willful, or wanton and they were acting reasonably, in good faith, without
17 malice, and based upon legal process, probable cause and/or reasonable suspicion, with
18 reasonable belief as to the legality of relevant matters.

19 N. Defendants did not act with a purpose to harm or with deliberate
20 indifference to the rights of anyone, including Plaintiffs or Decedent, for reasons unrelated
21 to legitimate law enforcement objectives.

22 O. Defendants affirmatively allege that other affirmative defenses may come
23 to light as this case progresses. Accordingly, Defendants affirmatively allege those
24 affirmative defenses contained in Rules 8(c) and 12(b) of the Federal Rules of Civil
25 Procedure as well as any other affirmative defenses that may become applicable pursuant
26 to discovery, including: failure to join a necessary and proper party; insufficiency of
27 service of process; lack of service; assumption of the risk; estoppel; laches; fraud;
28

1 illegality; lack of respondeat superior; spoliation; statute of limitations; waiver;
2 acquiescence; unclean hands; statutory and state/federal constitutional defenses to
3 punitive damages; contributory negligence; comparative fault; qualified immunity;
4 absolute immunity; and any other matter which constitutes an avoidance or affirmative
5 defense which further discovery may demonstrate to be applicable.

6 P. Defendants allege all affirmative defenses listed in the Arizona Rules of
7 Civil Procedure, Rules 8(c) and 12(b), were applicable, as well as any other affirmative
8 defenses that may come to light during discovery, including but not limited to: failure to
9 join responsible parties, assumption of risk, insufficiency of process, insufficiency of
10 service of process, absolute and qualified immunity, estoppel, laches, statute of
11 limitations, waiver, lack of *respondeat superior*, contributory negligence, comparative
12 negligence, non-parties at fault, failure to exhaust administrative remedies, and any other
13 matter which constitutes an avoidance or affirmative defense.

14 Q. Defendants have not knowingly or intentionally waived any applicable
15 defenses or affirmative defenses. If it appears that any defense or affirmative defense is
16 or may be applicable after Defendants have had the opportunity to conduct reasonable
17 discovery in this matter, Defendants will assert such defenses or affirmative defenses in
18 accordance with the Federal Rules of Civil Procedure.

19 R. A.R.S. § 14-3110 bars Plaintiffs' claims for alleged pain and suffering
20 damages and/or other alleged hedonic damages.

21 S. Plaintiffs are not entitled to punitive damages as a matter of law.

22 T. A.R.S. § 12-820.04 bars recovery of punitive damages.

23 U. At all times herein mentioned, Defendants acted in good faith and with
24 reasonable belief as to the legality of things and matters attributed to Defendants, and that
25 as a consequence thereof, no liability should or can be imposed on Defendants pursuant
26 to the doctrine of qualified immunity.
27
28

V. The damages, if any, sustained by Plaintiffs were proximately caused by Plaintiffs, decedent, or other persons, whether named as parties herein or not, and such persons were not within the care, custody or control of Defendants.

W. Defendants are entitled to absolute and/or qualified immunity under Federal and/or State law.

Wherefore, having fully answered the Second Amended Complaint, Defendants hereby requests the following relief:

1. That this action be dismissed in its entirety, with Plaintiffs taking nothing;
2. For the costs and attorneys' fees incurred herein; and
3. For such other relief as this Court deems just and proper.

RESPECTFULLY SUBMITTED this 28th day of August 2025.

RACHEL H. MITCHELL
MARICOPA COUNTY ATTORNEY

By /s/ Courtney R. Glynn
COURTNEY R. GLYNN
Deputy County Attorneys
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Hawkins, Hertig, Martin, Montano, Moody,
Park, Smith, Chester, Rainey, Marsland, Magat,
Dailey, Maricopa County Sheriff Jerry
Sheridan, and former Maricopa County Sheriff
Paul Penzone*

CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2025, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for filing and served on counsel of record via the Court's CM/ECF system.

/s/ R.S.

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